IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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C.W.P NO. 10501 OF 2006

Date of decision : September 7, 2006

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Ranjit Singh .....Petitioner

Vs.

State of Punjab & others .....Respondents

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CORAM: HON'BLE MR. JUSTICE VINEY MITTAL
HON'BLE MR. JUSTICE H.S BHALLA

Present: Mr. Sandeep Jasuja, Advocate for the petitioner(s).
Mr. Sukhdip Singh Brar, Additional Advocate General, Punjab.
Mr. Anupam Gupta, Advocate for respondents no. 2 & 3.

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Viney Mittal, J. (Oral)

The petitioner has approached this court claiming that he belongs to backward class category and as such was entitled to relaxation of 5% marks in the eligibility conditions. According to the petitioner, he had secured 48% marks in Bachelors Degree Examination and on account of the relaxation of 5% marks was eligible to seek admission and appear for Joint Entrance Test for B.Ed. Course. The grievance was made that admit card had not been issued to the petitioner. Notice of motion was issued by this Court on July 14, 2006 taking into consideration the plea raised by the petitioner. He was allowed to be admitted provisionally in the Joint Entrance Test which was scheduled to be held on July 15, 2006. However,

it was made clear that the aforesaid permission granted to the petitioner shall not vest any right in him and would be subject to the final decision of the case.

We may notice at the outset that the claim made by the petitioner is primarily based upon the eligibility conditions mentioned in the prospectus. Clause 1.7 of the conditions contained in the Prospectus reads as under:

> *1.7 Candidates possessing atleast 50% marks in aggregate in the Bachelor's degree/Master's degree examination of a recognised University provided the applicant has offered atleast two school subjects at the first degree/second degree level. Relaxation of 5% marks will be given to candidates belonging to SC/ST categories (and backward classes, excluding economically backward classes in Punjab State).*

The claim of the petitioner has been contested by the respondent-Panjab University (hereinafter referred to as `the University'). It has been maintained by the respondent-University that it was authorised to conduct the Joint Entrance Test for selection of students for admission to the B.Ed Course for the session 2006-07 in the various colleges of Education affiliated to the Panjab University, Punjabi University and Guru Nanak Dev University situated in the State of Punjab, as per the notification dated April 13, 2006. According to the University, the aforesaid notification was also attached with the Prospectus issued for conducting the admission process. However, on account of a mistake

committed by the University, in the eligibility conditions a relaxation of 5% marks was indicated to have been given to the candidates belonging to the SC/ST categories and backward class category, although the notification dated April 13, 2006 did not contain any such relaxation qua the backward class. According to the University when the aforesaid mistake came to the notice of the University, a committee was constituted by the Vice-Chancellor to review the eligibility conditions and a meeting of the aforesaid committee was held on June 14, 2006. The aforesaid Committee noticed that in the Prospectus, concession of 5% marks in the qualifying examination had been made available to the backward class candidates and it was decided that as this concession had not been given by Punjab Government in the notification this concession could not be made available to the backward class candidates and candidates who had applied for entrance test shall stand withdrawn. It was also decided that the aforesaid backward class candidates, who had obtained less than 50% marks in the aforesaid qualifying examination could seek refund of their prospectus-cum-application fees. A copy of the minutes of the meeting held by the aforesaid committee on June 14, 2006 has been appended as Annexure R-3/1 with the written statement filed by the University. A communication dated June 17, 2006 was also issued by the Punjab University to the State Government, conveying the aforesaid decision of the committee. Said communication is also appended as Annexure R-3/2 with the written statement filed by the University. Additionally Punjab University also issued a corrigendum which appeared in the newspapers on June 20, 2006, conveying the decision taken by the committee to the public. The said corrigendum is also appended as Annexure R-3/3 with the written statement

filed by the University.

We have heard the learned counsel for the parties and have also gone through the record of the case.

At this stage, we may extract the eligibility conditions as mentioned in the notification dated April 13, 2006, which was concededly part of the prospectus as follows:

> *(a) Educational qualification for the Entrance Examination for admission to the affiliated Education Colleges of the three Universities namely, Guru Nanak Dev University, Amritsar, Panjab University, Chandigarh and Punjabi University, Patiala shall be as per prevailing ordinance of the three Universities respectively but the aggregate of marks should not be less than 50% in the qualifying examination.*
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> *(b) Candidates who have appeared for the qualifying examination and whose result have not been declared may be provisionally allowed to appear in the Entrance Examination at their own risk and responsibility but their results shall become eligible for counselling only after they have produced the evidence of having satisfied the above conditions.*

It is not in dispute that it was under the notification dated April 30, 2006 that the University was authorised to conduct the Joint Entrance Test for selection of students for admission to B.Ed course. The eligibility conditions were laid down by the State Government. The notification was

duly appended along with the prospectus. The eligibility conditions contained in the notification were also a part of the prospectus. In these circumstances, if there had been a clerical mistake, which appears to have been committed by the University bona fide, then the said mistake was corrected/rectified much prior to the admission process had commenced. The petitioner in these circumstances cannot take advantage of the aforesaid mistake.

Dismissed.

(VINEY MITTAL)
JUDGE

September 7, 2006
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(H.S BHALLA)
JUDGE